II. Remarks

A. Status of the claims

Claims 1-11 are currently pending. Claims 1 and 3-5 have been amended without prejudice. Support for the amendments can be found in the specification as originally filed, e.g., in paragraphs [0096]-[0099]. Applicants respectfully submit that no new matter has been added by virtue of this amendment.

B. Claim Rejections Under 35 U.S.C. § 112

In the Final Office Action, claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph for indefiniteness and insufficient antecedent basis. Specifically, the Examiner pointed out a typographical error in claim 1, i.e., "...wherein a selected automated exchange is further automatically processed...", and further asserted that the claim was lacking a step of selecting a non-automated exchange.

In response, the claims have been amended without prejudice to correct the typographical error for the claim to properly recite that the "order" is further processed, and also to include a step of selecting an automated exchange or a non-automated exchange.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be removed.

C. Claim Rejections Under 35 U.S.C. § 103(a)

1. Gutterman et al. in view of Patterson, Jr. et al. and Slone

In the Final Office Action, claims 1, 3, 6-8, 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,297,031 to Gutterman et al. in view of U.S. Patent No. 5,774.877 to Patterson, Jr. et al. and U.S. PreGrant Publication No. 2002/0128958 to Slone.

This rejection is respectfully traversed. Applicants submit that the combined teachings of Gutterman et al., Patterson, Jr. et al. and Slone fail to render obvious the methods for providing a computerized transaction interface system to a plurality of exchanges, as presently claimed. The Examiner is reminded that pursuant to MPEP, 8th Ed., 7th Rev. § 2142, to establish a prima facie case of obviousness, and thus sustain the rejection of a claim under 35 U.S.C. § 103(a), there must be a clear articulation of the reasons why Applicants' claimed invention would have been obvious. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). The Supreme Court in KSR has further noted that an analysis supporting a rejection under 35 U.S.C. § 103(a) should be made explicit. Therefore, it is clear that an obviousness rejection "cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006). Moreover, "[t]o support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of

reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP, 8th Ed. 7th Rev. § 706.02(j).

Specifically, Applicants submit that the combination of Gutterman et al. and Patterson, Jr. et al. and Slone fail to render obvious the limitation of "wherein an order delivered to a selected non-automated exchange is automatically monitored by the facilitation server *and an electronic copy of the order is generated and stored in a database*, as currently claimed.

Applicants submit that, as admitted by the Examiner, Gutterman et al. "does not explicitly disclose wherein a non-automated exchange selected for order execution is automatically monitored by the facilitation server". *Final Office Action* at page 5. The Examiner therefore relied upon Slone, stating that "this [limitation] is inherent in Slone because Slone discloses that any exchange is a candidate for order execution without limitation". *Id.* Applicants disagree that this limitation is inherent in Slone, however, in order to expedite prosecution of the application, the claims have been amended to include the further limitation that *an electronic copy of the order is generated and stored in a database* for non-automated claims.

Applicants submit that the present invention provides a way in which to facilitate orders through non-automated exchanges, particularly by creating an "eDrop", or electronic copy of the order. *See Specification* at paragraph [0096]. The eDrop can then be sent through the system, and conveniently stored in a database. *See id.* at paragraph [0098]. Applicants submit that this feature is not obviated by the combination of the cited references, either explicitly or inherently.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be removed.

2. Gutterman et al. in view of Patterson, Jr. et al., Slone and AAPA

In the Final Office Action, claims 2, 4, 5 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gutterman et al. in view of Patterson et al., Slone and Applicants Admitted Prior Art (AAPA).

This rejection is traversed. For the reasons discussed *supra*, Applicants submit that the combined teachings of Gutterman et al., Patterson et al. and Slone fail to obviate the present claims. The Examiner relies upon AAPA solely for allegedly teaching the limitations of dependent claims 2, 4, 5 and 9. Therefore, Applicants submit that AAPA fails to cure the deficiencies of the cited references as described above.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103 (a) be removed.

III. Conclusion

In view of the amendments made and arguments presented, it is believed that all claims are in condition for allowance. If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is invited to telephone the undersigned at (973)597-6162. The undersigned also may be contacted via e-mail at epietrowski@lowenstein.com. All correspondence should be directed to our address listed below.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 50-1358.

Respectfully submitted,
Lowenstein Sandler PC

Date: January 6, 2010

s /Elizabeth Pietrowski/
By: Elizabeth Pietrowski
Attorney for Applicants
Registration No. 52,121

DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068
General Tel.: 973-597-2500